



STATE OF NEW JERSEY

In the Matter of Andrew Jankowski,
Entry Level Law Enforcement
Examination (S9999A)

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2020-2724

Examination Appeal

ISSUED: MARCH 26, 2021 (JH)

Andrew Jankowski requests that he be permitted to amend his application after the closing date for the Entry Level Law Enforcement Examination (S9999A). It is noted that appellant passed the subject examination with a final average of 99.910 and a rank of 161.

By way of background, the subject examination was announced on July 1, 2019 with a closing date of August 31, 2019. A review of the record finds that the appellant filed an application for the subject test on July 29, 2019, on which he indicated an Oakland Borough address and an Oakland Borough residency code (0242).

On appeal, Jankowski explains that he was on active duty from February 2019 to December 2019. He indicates that at the time of his deployment, he was living with his wife’s family in Oakland. He further indicates that during August 2019, he and his wife were attempting to buy a home in New Milford but he did not want to change his address to New Milford “in the event we did not get the house.” In this regard, he notes that they did not close on the New Milford home until November 2019 at which point he began using that address. In support of his request, he submits additional documentation including a copy of his DD214 form (Certificate of Release or Discharge from Active Duty) which indicates the date of entry as February 4, 2019 and the separation date as January 31, 2020,¹ and the

¹ Jankowski indicates that this date “is accounting for leave” and he returned to New Jersey on December 10, 2020.

Oakland address as the “Home of Record at Time of Entry” and the New Milford address as the “Mailing Address after the Separation Date,” and a Certificate of Occupancy for the New Milford address dated November 7, 2019.

CONCLUSION

N.J.A.C. 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date. As noted previously, the announcement indicated that the closing date was August 31, 2019.

N.J.S.A. 40A:14-123.1 (Residence requirements for persons discharged or released from the military service) provides:

Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the police department or force, may be appointed a member or officer of such police department or force if otherwise qualified notwithstanding that he was not a resident of New Jersey at the time of such application provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of New Jersey within 6 months from the date of appointment.

In the present matter, the appellant explains that he was on active duty and attempting to buy a home in New Milford² during the filing period. As such, the appellant’s residency was in a state of flux while he was serving on active duty. In this regard, the appellant’s DD-214 form indicates his “Mailing Address after the Separation Date” as the New Milford address. In addition, tax records indicate that Jankowski purchased the New Milford home prior to his discharge date. Thus, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) to permit the appellant to amend his application to indicate a New Milford residency code (0238).

The Commission emphasizes that it is not making a determination of the appellant’s residency but rather addressing the appellant’s request to change the residency code on his application. Moreover, the appointing authority may, at its discretion, investigate the appellant’s residency as part of a background check conducted prior to making any appointment.

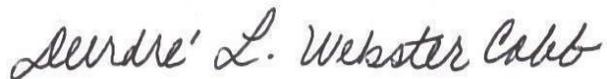
² It is noted that New Milford is not a Civil Service jurisdiction.

ORDER

Therefore, it is ordered that this request be granted and the appellant's application be amended to indicate a New Milford residency code and the appellant be considered prospectively for future appointment opportunities. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other proceeding.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 24TH DAY OF MARCH, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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c: Andrew Jankowski
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